

RESOLUTION NO. A-_____

1 WHEREAS, the death penalty is an extreme, irreversible act of violent punishment
2 carried out by the representatives of our government; and

3 WHEREAS, the American Bar Association has called for a moratorium on the death
4 penalty; and

5 WHEREAS, every nation in Europe and the vast majority of the democratic nations of the
6 world have abolished the death penalty and now the United Nations Human Rights Commission
7 has called for an international moratorium on executions; and

8 WHEREAS, in 1999 the Nebraska Legislature passed, by a vote of 27-21, a bill that
9 would halt executions for two years, commissioned a study of Nebraska's death penalty and
10 became the first legislature in the United States to do so; and

11 WHEREAS, socioeconomic status determines who lives and who dies:

- 12 • The Nebraska 2001 Death Penalty Study concluded that death-eligible defendants
13 who kill people defined as having "high socioeconomic status" were nearly four
14 times as likely to receive death sentences as defendants whose victims have low
15 socioeconomic status; and
- 16 • Nationally about 90 percent of all people facing capital charges cannot afford an
17 attorney; and
- 18 • No state, including Nebraska, has met standards developed by the American Bar
19 Association for appointment, performance and compensation of counsel for
20 indigent prisoners; and

1 WHEREAS, nationally, prisoner appeals have been severely curtailed, increasing the risk
2 of imprisonment and execution of innocent people:

- 3 • Between 1973 and September 2001, ninety-eight death row inmates have been
4 released as innocent (Death Penalty Information Center Webpage,
5 www.deathpenaltyinfo.org 2001); and
- 6 • On August 3, 2001, the Nebraska Supreme Court overturned part of the State's
7 method of sentencing, commuting two death row inmate's sentences to life in
8 prison; and
- 9 • In the past six months, one Nebraska death row inmate was released from prison;
10 and
- 11 • At least 23 persons were executed in the United States between 1900 and 1999
12 only to have their innocence proven after their deaths (Resolution #8584 City of
13 Durham, North Carolina); and
- 14 • On August 18, 2001, the Lancaster County District Court resentenced a death row
15 inmate to life in prison; and

16 WHEREAS, there is ample evidence that the death penalty is applied in a biased and
17 discretionary manner in Nebraska:

- 18 • In Nebraska since 1973, out of 177 defendants convicted of death-eligible
19 homicides, only 27 actually received the death sentence; and
- 20 • Nebraska's 13 of 27 people sentenced to death committed murders with
21 circumstances that often resulted in lesser sentences; and
- 22 • The study also found that non-white death-eligible defendants statewide are less

1 likely than their white counterparts to be offered plea agreements due to a
2 tendency by urban prosecutors to pursue the death penalty, putting a
3 disproportionate disadvantage on minorities; and

- 4 • The study found that urban judges were less likely to impose the death sentence
5 than their rural counterparts; and

6 WHEREAS, there is ample evidence that the death penalty is applied in a racist manner:

- 7 • Nationally, in 82% of the studies (reviewed) race of the victim was found to
8 influence the likelihood of being charged with capital murder or receiving the
9 death penalty (U.S. General Accounting Office, Death Penalty Sentencing,
10 February 1990); and
- 11 • Nationally, about 84% of the victims in death penalty cases are white, even
12 though only 50% of the murder victims are white (NAACP Legal Defense Fund
13 September 1, 1999); and
- 14 • Nationally, persons executed for interracial murders from 1976 to December 13,
15 1999: White Defendant/Black Victim - 11, Black Defendant/White Victim - 141
16 (NAACP Legal Defense Fund, September 1, 1999); and
- 17 • Nationally, approximately 90% of those on death row could not afford to hire a
18 lawyer when they were tried (Tabak, in Loyola of Los Angeles LAS Review
19 1989); and
- 20 • A sample size in Nebraska's study was too small to positively conclude that the
21 death sentence is not applied in a racist manner, however, the study did find
22 consistently higher death sentencing rates when the defendant was a minority with

1 a white victim, and two of the three executed in Nebraska since 1973 were
2 African-American; and

3 WHEREAS, the death penalty is many times more expensive than life without parole:

- 4 • “Two recent studies, one from North Carolina and one from Kansas, indicate that
5 the availability of the death penalty as a sentencing option adds significant
6 financial costs to a state’s criminal justice system . . . It is significant that,
7 although the costs were broken down in slightly different ways, these two studies
8 both found an annual additional expense for death penalty cases of four million
9 dollars.” (Cost of the Death Penalty: An Introduction to the Issue, Nebraska
10 Legislature 1995, p.23); and

11 WHEREAS, studies show the death penalty not to be a deterrent:

- 12 • A survey of experts from the American Society of Criminology, the Academy of
13 Criminal Justice Sciences, and the Law and Society Association showed that the
14 overwhelming majority did not believe that the death penalty is a proven deterrent
15 to homicide. Over 80% believe the existing research fails to support a deterrence
16 justification for the death penalty. Similarly over 75% of those polled do not
17 believe that increasing the number of executions or decreasing the time spent on
18 death row before execution would produce a general deterrent effect. (M. Radelet
19 and R. Akers, “Deterrence and the Death Penalty? The Views of the Experts”,
20 1995); and

21 NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lincoln,

22 Nebraska:

1 That the City of Lincoln, Nebraska calls on the Nebraska Governor and our State
2 legislators, and the United States President and our legislators in Congress, to enact and adopt
3 legislation imposing a moratorium on executions at least until this State and the Nation
4 implement policies and procedures which ensure that death penalty cases are administered fairly
5 and impartially, without racial bias, and in accordance with basic due process; eliminate the risk
6 that innocent persons may be executed; and prevent the execution of persons under the age of 18
7 at the time of their offenses.

8 BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to
9 Governor Johanns, the Lincoln delegation to the Unicameral, President Bush, United States
10 Senators Hagel and Nelson, and United States Representative Bereuter.

Introduced by:

Councilperson Terry Werner

Councilperson Annette McRoy

Councilperson Jon Camp

Councilperson Jonathan Cook

Councilperson Coleen Seng

Councilperson Glen Friendt

Councilperson Ken Svoboda